IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Civil Revision Application No.17 of 2006.

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Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Register's orders.	Court's or Judge's Orders

.....

Shri Nitin Lalwani Advocate for the applicants.
Shri P. S. Sadavarte Advocate for R-1 (i) to (vii).
CORAM : A.H. JOSHI, J.
DATED : 16 /11/2006.

1. The description of tenor of plaint narrated in the Judgment of the first Appellate Court in para 9 which reads as follows:

> "9..... It is pertinent to note as observed by learned trial Judge referred above, no such relief sought by appellants (relief of recovery of possession of the suit premises). On the contrary, main relief or appellants is to grant injunction and relief of granting injunction is not within the jurisdiction of Small Cause Court, therefore, I find substance in the grievance made by the appellants."

No dispute is raised as to correctness of above referred

description.

2. This leads to the position that the factual foundation namely what is the nature of suit, being an admitted position, the Judgment of the First Appellate Court is not found to be faulted due to any error. Revision has no merit. It is dismissed.

JUDGE

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